

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission

On Its Own Motion

-vs-

Crystal Communications L.L.C.

Citation for Failure to File Annual Report

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00-0076

CHIEF CLERK'S OFFICE

FEB 28 11 25 AM '00

ILLINOIS
COMMERCE COMMISSIONMOTION TO DISMISS CITATION ORDER

Respondent, CRYSTAL COMMUNICATIONS L.L.C., an Illinois limited liability company, by and through its attorneys and designated agent, LEVIN & GINSBURG LTD., as a customer owned pay telephone public utility, duly authorized by the Illinois Commerce Commission ("Commission"), to operate in Illinois intrastate commerce, respectfully requests that the Commission dismiss the Citation Order it entered on or about January 26, 2000, against Crystal. In support thereof, Crystal states as follows:

1. The Commission entered the Citation Order based on a Staff Report dated January 12, 2000, and issued by the Chief Clerk of the Commission, which Staff Report recounts that Crystal failed to file its 1998 Annual Report by March 31, 1999, as required by Section 5-109 of the Public Utilities Act and 83 Ill. Adm. Code 210. (A true and correct copy of the Citation Order is attached hereto as Exhibit "1" and incorporated herein by this reference as though more fully set forth herein.)

2. Subsequent to the issuance of such Staff Report and the Commission's Citation Order, Crystal filed its 1998 Annual Report, a copy of which is attached hereto as Exhibit "2" and incorporated herein by this reference as though more fully set forth herein.

3. Based on the foregoing, Crystal requests that the Citation Order be dismissed and that the hearing scheduled for 10:00 a.m. on February 29, 2000, in Springfield, Illinois, be stricken.

WHEREFORE, Respondent, CRYSTAL COMMUNICATIONS L.L.C., an Illinois limited liability company, respectfully requests that the Commission dismiss its Citation Order and strike the February 29, 2000, hearing date in connection with this matter, and for such other and further orders and relief as the Commission may deem appropriate.

Respectfully submitted,

CRYSTAL COMMUNICATIONS L.L.C.,
an Illinois limited liability company, Respondent.

By: 

One of its attorneys and
Designated Agent

Joseph A. Ginsburg, Esq.
Donald B. Levine, Esq.
Jonathan M. Weis, Esq.
LEVIN & GINSBURG LTD.
Attorneys for Crystal Communications L.L.C.
180 North LaSalle Street, 22nd Floor
Chicago, Illinois 60601
Telephone: (312) 368-0100
Telefax: (312) 368-01 1 1

EXHIBIT 1

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission

On Its Own Motion

-vs-

00-0076

Crystal Communications, L.L.C.

Citation for failure to file Annual Report :

CITATION ORDER

By the Commission:

Crystal Communications, L.L.C. ("Respondent") is a telecommunications carrier as defined in Section 13-202 of the Public Utilities Act. Respondent was granted a certificate of service authority to provide intrastate telecommunications services.

A Staff Report dated January 12, 2000 and issued by the Chief Clerk of the Commission, recounts that Respondent has failed to file its 1998 Annual Report by March 31, 1999, as required by Section 5-109 of the Public Utilities Act and 83 Ill. Adm. Code 210.

Section 10-113 of the Public Utilities Act, made applicable to the provision of competitive telecommunications services by Section 13-101 of the Act, provides in relevant part:

Anything in this Act to the contrary notwithstanding, the Commission may at any time, upon notice to the public utility affected, and after opportunity to be heard as provided in the case of complaints, rescind, alter or amend any rule, regulation, order or decision made by it.

Section 10-113 of the Act authorizes the Commission to look into the Respondent's conduct to determine whether the Respondent should continue to hold the previously granted certificate of service authority.

The Commission, having considered the entire record and being fully advised in the premises, is of the opinion and finds that:

- (1) the Commission has jurisdiction over the Respondent hereto and the subject matter herein;
- (2) the Staff Report, dated January 12, 2000, should be filed in this docket and made a part of the record of this proceeding;

- (3) the recitals of fact set forth in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact; and
- (4) the failure to file the annual report required by Section 5-109 of the Public Utilities Act is an indication that Respondent lacks sufficient managerial resources and abilities to provide the resale of telecommunications service.

IT IS THEREFORE ORDERED that Crystal Communications, L.L.C. appear before the Commission at its offices in Springfield, Illinois, at the hour of 10:00 am on February 29, 2000, to adduce evidence with respect to the matters stated hereinabove and to show cause, if any there be, why the Commission should not rescind or suspend the certificate of service authority granted to Respondent and take any other appropriate action.

IT IS FURTHER ORDERED that the failure of the Respondent to appear may result in the entry of an order revoking or suspending the certificate of service authority previously granted to Respondent.

IT IS FURTHER ORDERED that the Staff Report, dated January 12, 2000, shall be filed in this docket and made a part of the record of this proceeding.

IT IS FURTHER ORDERED that this Order is not final; it is not subject to the Administrative Review Law.

By order of the Commission this 26th day of January, 2000.

(SIGNED) Richard L. Mathias

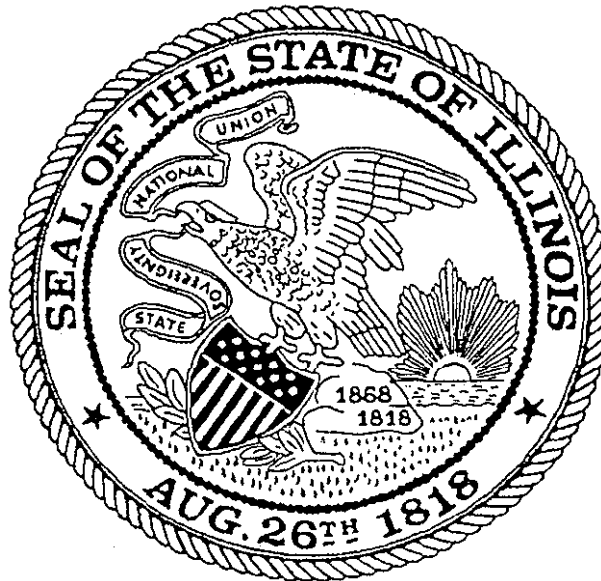
Chairman

(S E A L)

EXHIBIT 2

ANNUAL REPORT OF
CERTAIN TELECOMMUNICATIONS CARRIERS

TO THE
**ILLINOIS COMMERCE,
COMMISSION**



Exact Legal name of Respondent (Company)

Year of Report

Crystal Communications LLC

December 31, 1998

This state agency is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined in Section 5-109 of the Public Utilities Act [220 ILCS 5/5-109] Disclosure of this information is REQUIRED. Failure to provide any information could result in a fine of \$100 per day under Section 5-109 of the Public Utilities Act. This form has been approved by the Forms Management Center.

GENERAL INSTRUCTIONS

1. Telecommunications carriers not required to use the uniform system of accounts and who do not have alternative annual reporting requirements prescribed by Commission order are required to file this report,
2. This form of annual report is to be completed in triplicate: The original and one conformed copy (which may be a carbon copy) of this report form, properly completed and verified, is to be filed with the Chief Clerk, ILLINOIS COMMERCE COMMISSION, 527 East Capitol Avenue, P.O. Box 19280, Springfield, Illinois 62794-9280, on or before March 31 of the year following the year for which the report is made. One copy of such report is to be retained by respondent.
3. It is preferred that all data be typed on the form. All instructions shall be followed and each question shall be answered fully and accurately. The expression "None" or "Not Applicable" shall be given as the answer where it truly states the fact.
4. The word "Respondent", wherever used in this report, means the person, corporation, licensee, agency, authority or other legal entity or instrumentality in whose behalf the report is made.
5. Financial information in this Annual Report should be reported on an Illinois basis.
6. The Reconciliation of Gross Revenue Tax schedule is to reconcile the amounts shown in this Annual Report with the amounts on the Amended Gross Revenue Tax Return.
7. Access lines are defined, in context of this report, as all individual business and residence lines, key trunk lines, PBX trunk lines, and centrex main lines with separate numbers. Page 3 is completed by local exchange carriers only.
6. Local exchange carriers are required to provide two copies of the published annual report to shareholders or financial statements prepared in accordance with generally accepted accounting principles (GAAP).
9. Respondents may prior to filing, petition for proprietary treatment of information required by this annual report. Proprietary treatment is limited to data that is not otherwise publicly available and is effective only after respondent's petition is granted. The Commission intends to include proprietary data on an aggregated basis for statistical reporting purposes.

Name of Respondent Crystal Communications LLC	This report is: (1) <input type="checkbox"/> An original (2) <input checked="" type="checkbox"/> A resubmission	Date of Report (Mo, Day, Yr) 3/15/99	Year of Report 98 Dec. 31, 19
RECONCILIATION OF GROSS REVENUE TAX			

This schedule is to reconcile the amounts shown in the accompanying Annual Report with the amounts shown on the Amended/ Annual Gross Revenue Tax Return:

	(a)	As Shown on Annual Report (b)	Page & Line Where Amount At Left Can Be Found in the Annual Report
1	1] a. Actual Gross Operating Revenue as shown in Annual Report	587701	1, 1a
2	b. Less Interstate Revenue	405514	1, 1b
3	c. Gross Revenue Applicable to Illinois	182187	1, 1c
4	DEDUCT:	0	
5	2] a. Revenue from Sale to Utilities for Resale	0	
6	b. Uncollectible Accounts (if billing basis used)	0	
7	c. Other Deductions (if amounts are included in 1-a. above)	0	
8	Account Description	Account No.	
9			
10			
11			
12			
13			
14			
15	Taxable Illinois Gross Revenue from Annual Report (lines 1-2 thru 14)	182187	
16	Taxable Illinois Gross Revenue from Amended/Annual Gross Revenue Tax Return	182187	
17	DIFFERENCE (line 15 minus line 16)	0	

if difference calculated on line 17 is a positive amount of \$1,000.00 or more, a revised Amended/Annual Tax Return for the year plus payment of any additional tax due must be promptly remitted to the Illinois Commerce Commission. If the calculated difference is less than \$1,000.00 or a negative amount, no further action is required regarding your tax reconciliation. (The tax owed on \$1,000 at the *current* tax rate of .10% is \$7.00. According to the *Public Utilities Act* a deficiency in taxes paid of *less* than \$1.00 need not be paid to the Commission.)

Name of Respondent	This Report is: (1) <input type="checkbox"/> An Original (2) <input type="checkbox"/> A Resubmission	Date of Report (Mo., Day, Yr.)	Year of Report Dec 31, 19__
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ANALYSIS OF UNBILLED REVENUE AND DEDUCTIONS

This form is to be completed by all telephone utilities.

ILCC Form AR-13

	<u>Unbilled Revenue</u>	<u>PRIOR YEAR</u>	<u>CURRENT YEAR</u>	<u>Reference</u>
1.	TelephoneUtility Operating Revenue	\$	\$	
2.	Less: Prior Year Unbilled Revenue	\$	\$	Pg 2.1, line 3
3.	Add: Current Year Unbilled Revenue	\$	\$	
4.	Gross Telephone Utility Operating Revenue	\$	\$	Pg 2, line 1

Interstate Revenues

5.	EndUserInterstate Revenue		\$	
6.	Switched Access Interstate Revenue		\$	
7.	Special Access Interstate Revenue		\$	
8.	Other: (please provide description)		\$	
9.			\$	
10.			\$	
11.	Total Interstate Revenue		\$	Pg 2, line 2

Revenue from Sales to Utilities for Resale

12.	Please detail each item:		\$	
13.			\$	
14.			\$	
15.	Total Revenue from Sales to Utilities for Resale		\$	Pg 2. line 5

Uncollectible Revenues

16.	Uncollectible Revenue - Telecommunications		\$	
17.	Uncollectible Revenue - Other		\$	
18.	Total Uncollectible Revenue		\$	Pg 2, line 6

VERIFICATION

This report shall be verified under oath by the responsible accounting officer.

OATH

STATE OF Illinois)
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 COUNN OF Cook)SS
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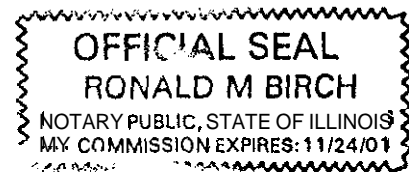
John Barnard makes oath and says that
 (insert here the name of the affiant)
 he is Manager
 (insert here the official title of the affiant)
 of Crystal Communications LLC
 (insert here the exact legal title or name of the respondent)

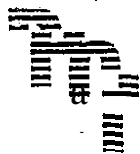
that he has examined the foregoing report; that to the best of his knowledge, information, and belief, all statements of fact contained in the said report are true, and the said report is a correct statement of the business and affairs of the above-named respondent in respect to each and every matter set forth therein during the period from and including January 1, 19 98, to and including December 31, 19 98.

John Barnard
 (Signature of affiant)

Subscribed and sworn to before me, a Notary Public in and for the State and County above named,
 this 16th day of February, 19 2000. My Commission expires November 24, 19 2001.

Ronald M. Birch
 (Signature of officer authorized to administer oath)





Phonco Communications Inc.

Pay Telephone Services

P.O. BOX 1141
ORLAND PARK, IL 60462
(708) 349-7800

February 17, 2000

Illinois Commerce Commission
Attn: Maggie
527 East Capitol Ave.
P.O. Box 192S0
Springfield, IL 62794-9280

Dear Maggie,

Enclosed please find the AR-13 forms for Phonco Communications, Inc. and Crystal Communications LLC. Please call me to confirm that you have received these forms. You can reach me directly at 708-895-7613.

Thank you,

Mary Mullen

encl



EXPRESS MAIL
UNITED STATES POSTAL SERVICE™

POST OFFICE TO ADDRESSEE

EJ905495435US

ORIGIN (POSTAL USE ONLY)

Post ZIP Code 11432	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date In Mo. Day Year 2 17 00	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 11.75
Time In 4:38 AM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight Lbs. 5.6 Oz. 5	Int'l Alpha Country Code	COD Fee Insurance Fee
Not Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance/Initials R	Total Postage & Fees \$ 11.75

CUSTOMER USE ONLY

METHOD OF PAYMENT:

Express Mail Corporate Acct. No.

Federal Agency Acct. No. or
Postal Service Acct. No.

FROM: (PLEASE PRINT)

PHONE 1 708 349-7800

Phonco Communications, Inc.
Crystal Communications LLC
P.O. Box 1141
Orland Park, IL 60462

TO: (PLEASE PRINT)

PHONE 1 217 782-7434

Illinois Commerce Commission
Attn: Maggie
527 East Capitol Ave.
P.O. Box 19280
Springfield, IL 62794-9280

☐ **WARRANT OF SIGNATURE** Domestic Only: Additional merchandise insurance is void if return of signature is requested. (Must be delivered to the post office without obtaining signature of addressee or addressee's agent for delivery without postage indicia. The office can be left in secure location) and return of signature and delivery employee's signature constitutes void proof of delivery.

☐ **NO DELIVERY** ☐ Weekend ☐ Holiday

Customer Signature

FOR PICKUP OR TRACKING CALL 1-800-222-1811

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Label 11-B July 1997

Customer Copy

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission)	
On Its Own Motion)	
-VS-)	00-0076
)	
Crystal Communications L.L.C.)	
)	
Citation for Failure to File Annual Report)	

NOTICE OF FILING

TO: Chief Clerk, Illinois Commerce Commission	Conrad Rubinkowski, Esq.
527 East Capitol Avenue	Illinois Commerce Commission
Springfield, Illinois 62794	527 Capitol Avenue
	Springfield, Illinois 62794

PLEASE TAKE NOTICE that on February 25, 2000, we filed with the Illinois Commerce Commission, a certain original Motion to Dismiss Citation Order, a true and correct copy of which is herewith served upon you.

CRYSTAL COMMUNICATIONS L.L.C.,
an Illinois limited liability company, Respondent

By: _____

One of its attorneys and
Designated Agent

Joseph A. Ginsburg, Esq.
Donald B. Levine, Esq.
Jonathan M. Weis, Esq.
LEVIN & GINSBURG LTD.
Attorneys for Crystal Communications L.L.C.
180 North LaSalle Street, 22nd Floor
Chicago, Illinois 60601-2794
Telephone: 31 Z-368-0100
Telefax: 31 Z-368-01 11

PROOF OF SERVICE BY MAIL

I, Jonathan M. **Weis**, an attorney on oath, state that I caused a true and correct copy of this Notice and attached Motion to Dismiss Citation Order to be served upon the above persons to whom it is directed by enclosing the same in envelopes directed to the addresses above stated, via overnight courier, before 5:00 p.m. on February 25, 2000.



JONATHAN M. WEIS